

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS**

---

**IN RE YASMIN AND YAZ**

**(DROSPIRENONE) MARKETING, SALES  
PRACTICES AND PRODUCTS LIABILITY  
LITIGATION**

---

)  
)  
)  
)  
)  
)

**3:09-md-02100-DRH-CJP**

**MDL No. 2100**

**This Document Relates to:**

**ALL CASES**

**BAYER DEFENDANTS' RESPONSE TO MOTIONS REGARDING  
INITIAL STATUS CONFERENCE AND PLAINTIFFS' LEADERSHIP**

Defendants Bayer Corporation; Bayer HealthCare Pharmaceuticals Inc. (formerly known as Berlex, Inc., which was formerly known as Berlex Laboratories, Inc.), on its own behalf and as successor by merger to Bayer Pharmaceuticals Corporation; and Bayer HealthCare LLC ("Bayer") submit this response to motions regarding the initial status conference and plaintiffs' leadership.

Bayer agrees with plaintiffs that early organization is vital to a successful MDL. To that end, Bayer respectfully requests that this Court schedule a status conference at the Court's first convenience. To assist the Court, Bayer has submitted a proposed order setting an initial conference. *See generally* Section 40.1 of the Federal Judicial Center's *Manual for Complex Litigation, Fourth*. The proposed order has been submitted to the Court in electronic form pursuant to Local Rules.

Bayer takes no position with respect to appointment of Interim Liaison Counsel. Among other things, the draft proposed order addresses applications for lead and liaison counsel appointments. Bayer stands ready to work with whatever plaintiffs' leadership this Court selects.

Respectfully submitted,

s/ Terry Lueckenhoff

Terry Lueckenhoff, MO Bar # 27810

John E. Galvin, IL Bar #55768

Michael E. Donelson, IL Bar #06269655

Fox Galvin, LLC

One S. Memorial Drive, 12th Floor

St. Louis, MO 63102

314-588-7000

314-588-1965 (Facsimile)

tlueckenhoff@foxgalvin.com

jgalvin@foxgalvin.com

mdonelson@foxgalvin.com

*Attorneys for Defendants Bayer Corporation; Bayer HealthCare Pharmaceuticals Inc. (formerly known as Berlex, Inc., which was formerly known as Berlex Laboratories, Inc.) on its own behalf and as successor by merger to Bayer Pharmaceuticals Corporation; and Bayer HealthCare LLC*

## **CERTIFICATE OF SERVICE**

I hereby certify that on October 15 2009, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system and served the following attorneys of record via U.S. Mail and Electronic Mail:

Gilbert T. Adams, III  
LAW OFFICES OF GILBERT T. ADAMS  
1855 Calder Ave.  
Beaumont, TX 77701  
Telephone: (409) 835-3000  
Facsimile: (409) 832-6162

Thomas C. Antoniou  
LAW OFFICES OF THOMAS C. ANTONIOU  
8235 Forsyth Blvd., Suite 1100  
St. Louis, MO 63105  
Telephone: (314) 725-4747  
Facsimile: (314) 725-1925

Evan Buxner  
LAW OFFICES OF EVAN BUXNER  
Of Counsel to  
WALTHER/GLENN LAW ASSOCIATES  
10 S. Brentwood Blvd., Suite 102  
St. Louis, MO 63105  
Telephone: (314) 725-9595  
Facsimile: (314) 725-9597

John J. Carey  
Joseph P. Danis  
Andrew J. Cross  
Francis "Casey" Flynn  
Sarah Hale Bauman  
CAREY & DANIS, L.L.C.  
8235 Forsyth Blvd., Suite 1100  
St. Louis, MO 63105  
Telephone: (314) 725-7700  
Facsimile: (314) 721-0905

Eric D. Holland  
Steven J. Stolze  
HOLLAND GROVES SCHNELLER & STOLZE  
300 North Tucker Blvd., Suite 801  
St. Louis, MO 63101  
Telephone: (314) 241-8111  
Facsimile: (314) 241-5554

Jeffrey J. Lowe  
THE LOWE LAW FIRM  
8235 Forsyth Blvd., Suite 1100  
St. Louis, MO 63105  
Telephone: (314) 678-3400  
Facsimile: (314) 678-3401

Marc J. Bern  
NAPOLI BERN RIPKA, LLP  
350 Fifth Avenue, Suite 7413  
New York, NY 10118  
Telephone: (212) 267-3700  
Facsimile: (212) 587-0031

David A. Nester  
NESTER & CONSTANCE PC  
123 W Washington St.  
Belleville, IL 62220-2021  
Telephone: (618) 234-4440  
Facsimile: (618) 234-4619

Robert N. Peirce, III  
D. Aaron Rihn  
ROBERT PEIRCE & ASSOCIATES, P.C.  
2500 Gulf Tower  
707 Grant Street  
Pittsburgh, PA 15219  
Telephone: (800) 543-9859  
Facsimile: (412) 281-4229

Roger C. Denton  
Kristine K. Kraft  
Elizabeth M. Wilkins  
Sean Soyars  
SCHLICHTER, BOGARD & DENTON, LLP  
100 S. 4th Street, Suite 900  
St. Louis, MO 63102

Christopher A. Seeger  
SEEGER WEISS, LLP  
One William Street  
New York, NY 10004  
Telephone: (212) 584-0700  
Facsimile: (212) 584-0799

*s/ Terry Lueckenhoff*